

# REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, August 13, 2008, at Suite 1614 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

Presiding over the meeting was Chairperson William Long. Attending the meeting were board members George Harding, Patricia Heim, Wade Hinton, Darlene McNeece and Lee Anne Murray.

On motion by Harding, seconded by Hinton, the board voted unanimously to approve the minutes from the June 11, 2008 regular board meeting. The motion passed the board unanimously.

## ***Reconsideration***

***02-74 Shelby County Democratic Executive Committee***, for failure to timely file a 2002 3<sup>rd</sup> quarter campaign financial disclosure report. Class two (2), 37 days late, maximum ten thousand (\$10,000) civil penalty. The organization has had previous matters before the board.

The board voted at its January 8, 2003 meeting to assess the organization a \$2,500 civil penalty for their failure to timely file the required report. The organization requested a reconsideration of the assessment.

The board voted at its February 12, 2003 meeting not to reconsider the \$2,500 civil penalty assessment. The organization requested a reconsideration of the assessment.

William Gillon, attorney for the organization, provided a statement for the board's consideration.

On motion by Hinton, seconded by Heim, the board voted unanimously to reconsider the \$2,500 civil penalty assessment. On motion by Hinton, seconded by Heim, the board voted unanimously to assess the organization a \$1,250 civil penalty.

***06-49 Jeff Sullivan***, for failure to file a 2006 mid-year supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand dollar (\$10,000) civil penalty. Mr. Sullivan has had no previous matters before the board.

The board voted at its February 14, 2007 meeting to assess Mr. Sullivan a \$10,000 civil penalty. Mr. Sullivan requested a reconsideration of the assessment.

The board voted at its May 9, 2007 meeting to defer any action in this matter until the next regularly scheduled meeting to allow Mr. Sullivan an opportunity to make sure that his disclosure is complete and accurate and to give him an opportunity to personally appear before the board.

The board voted unanimously at the June 13, 2007 meeting to reconsider the \$10,000 civil penalty assessment against Mr. Sullivan and to defer action in this matter until the next regularly scheduled meeting to allow Mr. Sullivan an opportunity to complete and close his campaign account.

Because there was no further response from Mr. Sullivan, the board voted unanimously at its August 7, 2007 meeting not to reconsider the \$10,000 civil penalty assessment. Mr. Sullivan requested to personally appear before the board and submitted a request for reconsideration.

Mr. Sullivan personally appeared before the board and explained that he has now filed a corrected report and closed out his campaign account.

On motion by Heim, seconded by Hinton, the board voted unanimously to reconsider the \$10,000 civil penalty assessment. A motion was made by McNeece to assess Mr. Sullivan a \$200 civil penalty. The motion to assess Mr. Sullivan a \$200 civil penalty died for a lack of a second. A motion was made by Heim, seconded by Harding, to assess Mr. Sullivan a \$100 civil penalty. A friendly amendment was made by Hinton, accepted by Heim and Harding, to assess Mr. Sullivan a \$150 civil penalty. The motion to assess Mr. Sullivan a \$150 civil penalty passed the board unanimously.

**08-14 Farris Mathews Branan Bobango & Hellen PAC**, for failure to timely file a 2008 1<sup>st</sup> quarter campaign financial disclosure report. Class one (1), six days late, maximum one hundred fifty dollar (\$150) civil penalty. The organization has had a previous matter before the board. (see below)

The board voted at its May 14, 2008 meeting to issue the organization a show cause notice.

The board voted at its June 11, 2008 meeting assess the organization a \$50 civil penalty. The organization requested a reconsideration of the assessment.

Homer Branan, treasurer for the organization, and Chuck Welch, representative for the organization, personally appeared before the board and provided a sworn statement for the board's consideration.

On motion by Hinton, seconded by Murray, the board voted unanimously to reconsider the \$50 civil penalty assessment. On motion by Murray, seconded by Hinton, the board voted unanimously to reduce the civil penalty assessment from \$50 to \$0.

**08-10 Lee Whitaker**, for failure to file a 4<sup>th</sup> quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand dollar (\$10,000) civil penalty. Mr. Whitaker has had no previous matters before the board.

The board voted at its April 9, 2008 meeting to issue Mr. Whitaker a show cause notice.

The board voted at its May 14, 2008 meeting to assess Mr. Whitaker a \$10,000 civil penalty. Mr. Whitaker requested a reconsideration of the assessment.

Mr. Whitaker and James Miller, treasurer, personally appeared before the board and explained that the report has now been filed.

On motion by Hinton, seconded by Murray, the board voted unanimously to reconsider the \$10,000 civil penalty assessment. A motion was made by Murray, seconded by McNeece, to assess Mr. Whitaker a \$150 civil penalty. A friendly amendment was made by Hinton, accepted by Murray and McNeece, to assess Mr. Whitaker a \$50 civil penalty. The motion to assess Mr. Whitaker a \$50 civil penalty passed the board unanimously.

## ***Show Cause Hearing***

**08-16 Aubrey Givens**, for failure to properly disclose several expenditures that were reimbursements to persons who made expenditures. Class two (2), maximum ten thousand (\$10,000) civil penalty. Mr. Givens has had no previous matters before the board.

The board voted at its May 14, 2008 meeting to issue Mr. Givens a show cause notice. Mr. Givens requested to personally appear before the board.

The board voted at its June 11, 2008 meeting to defer any action in this matter until the next regularly scheduled meeting to allow Mr. Givens an opportunity to amend his report.

Director Rawlins informed the board that Mr. Givens had amended his campaign financial disclosure report to properly disclose his expenditures.

On motion by Heim, seconded by Hinton, the board voted 5 to 0 to take no further action in this matter, with Murray “abstaining.”

**08-19 John DeBerry**, for failing to report 11 PAC contributions on his 2007 year-end campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. DeBerry has had previous matters before the board.

Rep. DeBerry submitted a statement and requested to personally appear before the board.

Rep. DeBerry personally appeared before the board and explained his failure to report the 11 PAC contributions on his report.

On motion by Heim, seconded by Harding, the board voted unanimously to take no further action in this matter.

**08-20 G. A. Hardaway**, for failing to report 3 PAC contributions on his 2007 year-end campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Hardaway has had previous matters before the board.

Rep. Hardaway personally appeared before the board and explained his failure to report the 3 PAC contributions on his report.

On motion by Hinton, seconded by Murray, the board voted 4 to 2 to take no further action in this matter, with Heim and McNeece voting “no.”

**08-24 Farmers Employee & Agents PAC**, for failing to report one (1) expenditure to a candidate on the organization’s 2007 year-end campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. The organization has had no previous matters before the board.

Harvey Fischer, treasurer for the organization, personally appeared before the board and explained why the organization failed to report the contribution on their report.

On motion by Heim, seconded by Hinton, the board voted unanimously to take no further action in this matter.

**08-25 Farris Mathews Branan Bobango & Hellen PAC**, for failing to report one (1) expenditure to a candidate on the organization’s 2007 year-end campaign financial

disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. The organization has had a previous matter before the board (see above).

Homer Branan, treasurer for the organization, and Chuck Welch, representative for the organization, personally appeared before the board and explained why the organization failed to report the contribution on their report.

On motion by Heim, seconded by Murray, the board voted unanimously to take no further action in this matter.

**08-26 Federal Express PAC**, for failing to report one (1) expenditure to a candidate on the organization's 2007 year-end campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. The organization has had no previous matters before the board.

Robert Yeager and Bill Primeaux, representatives for the organization, personally appeared before the board and explained why the organization failed to report the contribution on their report.

On motion by Hinton, seconded by Heim, the board voted unanimously to take no further action in this matter.

**08-27 RAAMPAC**, for failing to report one (1) expenditure to a candidate on the organization's 2007 year-end campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. The organization has had no previous matters before the board.

Thomas Smith, representative for the organization, personally appeared before the board and explained why the organization failed to report the contribution on their report.

On motion by Heim, seconded by Murray, the board voted unanimously to take no further action in this matter.

### ***Sworn Statement Submitted***

**08-17 Joe Armstrong**, for failing to report 15 PAC contributions on his 2007 year-end campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Armstrong has had a previous matter before the board.

Rep. Armstrong personally appeared before the board and explained his failure to report the 15 PAC contributions on his report.

On motion by Harding, seconded by Hinton, the board voted 5 to 1 to take no further action in this matter, with Heim voting "no."

**08-18 Tim Burchett**, for failing to report 3 PAC contributions on his 2007 year-end campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Sen. Burchett has had a previous matter before the board.

Sen. Burchett submitted a sworn statement for the board's consideration.

On motion by Heim, seconded by Murray, the board voted unanimously to assess Sen. Burchett a \$250 civil penalty.

**08-21 Curtis Johnson**, for failing to report 3 PAC contributions on his 2007 year-end campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Johnson has had no previous matters before the board.

Rep. Johnson submitted a sworn statement for the board's consideration.

On motion by Murray, seconded by Hinton, the board voted unanimously to take no further action in this matter.

**08-23 BB&S Good Government Committee**, for failing to report one (1) expenditure to a candidate on the organization's 2007 year-end campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. The organization has had no previous matters before the board.

Robins Ledyard, treasurer for the organization, submitted a sworn statement for the board's consideration.

Director Rawlins informed the board that the expenditure had been reported on a previous campaign financial disclosure report.

Without objection, the board voted to withdraw the show cause notice.

**08-28 Tennessee Association of Nurse Anesthetists PAC**, for failing to report two (2) expenditures to candidates on the organization's 2007 year-end campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. The organization has had no previous matters before the board.

Dina Velocci, treasurer for the organization, submitted a sworn statement for the board's consideration.

On motion by Heim, seconded by Murray, the board voted unanimously to take no further action in this matter.

**08-29 Tennessee Fire Legislators Action Group PAC**, for failing to report one (1) expenditure to a candidate on the organization's 2007 year-end campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. The organization has had no previous matters before the board.

Alan Farley, treasurer for the organization, submitted a sworn statement for the board's consideration.

On motion by Hinton, seconded by Heim, the board voted unanimously to take no further action in this matter.

**08-30 Tennessee Forestry PAC**, for failing to report one (1) expenditure to a candidate on the organization's 2007 year-end campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. The organization has had no previous matters before the board.

Candace Dinwiddie, treasurer for the organization, personally appeared before the board and explained their failure to report one (1) expenditure to a candidate.

On motion by Heim, seconded by Hinton, the board voted 5 to 0 to take no further action in this matter, with Murray "recusing."

**08-31 Tennessee Optometric PAC**, for failing to report 13 expenditures to candidates on the organization's 2007 year-end campaign financial disclosure report.

Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. The organization has had no previous matters before the board.

Bridget Lacey Jones, representative for the organization, submitted a sworn statement for the board's consideration.

On motion by Heim, seconded by Murray, the board voted unanimously to take no further action in this matter.

**08-32 Tennessee Orthopedic Society**, for failing to report one (1) expenditure to a candidate on the organization's 2007 year-end campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. The organization has had no previous matters before the board.

Paul J. Biggers, treasurer for the organization, submitted a sworn statement for the board's consideration.

On motion by Harding, seconded by Heim, the board voted unanimously to take no further action in this matter.

**08-33 Tennessee Realtors PAC**, for failing to report one (1) expenditure to a candidate on the organization's 2007 year-end campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. The organization has had no previous matters before the board.

John A. Bucy, representative for the organization, submitted a sworn statement for the board's consideration.

On motion by Heim, seconded by Murray, the board voted unanimously to take no further action in this matter.

### ***Case Subject to Approval for Civil Penalty***

**08-22 Jeanne Richardson**, for failing to report 3 PAC contributions on her 2007 year-end campaign financial disclosure report. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Rep. Richardson has had no previous matters before the board.

Rep. Richardson personally appeared before the board and explained her failure to report 3 PAC contributions on her report.

On motion by Heim, seconded by Murray, the board voted unanimously to take no further action in this matter.

### ***Cases Considered for Issuance of Show Cause Notice***

**Bill Brown**, for failure to timely file a 2008 2<sup>nd</sup> quarter campaign financial disclosure report. Class one (1), one day late, maximum twenty-five dollar (\$25) civil penalty. Mr. Brown has had no previous matters before the board.

On motion by Heim, seconded by Murray, the board voted unanimously to take no action in this matter.

***Rosaire Dubrule***, for failure to timely file a 2008 2<sup>nd</sup> quarter campaign financial disclosure report. Class one (1), seven days late, maximum one hundred seventy-five dollar (\$175) civil penalty. Mr. Dubrule has had no previous matters before the board.

On motion by Heim, seconded by Murray, the board voted unanimously to issue a show cause notice.

***Rehabilitation Assistive Technology PAC***, for failure to timely file a 2008 2<sup>nd</sup> quarter campaign financial disclosure report. Class one (1), nine days late, maximum two hundred twenty-five dollar (\$225) civil penalty. The organization has had no previous matters before the board.

On motion by Heim, seconded by Murray, the board voted unanimously to issue a show cause notice.

***Robertson County Democratic Party***, for failure to timely file a 2008 2<sup>nd</sup> quarter campaign financial disclosure report. Class one (1), five days late, maximum one hundred twenty-five dollar (\$125) civil penalty. The organization has had no previous matters before the board.

On motion by Heim, seconded by Murray, the board voted unanimously to take no action in this matter.

***Tennessee Carpenters Regional Council PAC***, for failure to timely file a 2008 2<sup>nd</sup> quarter campaign financial disclosure report. Class one (1), one day late, maximum twenty-five dollar (\$25) civil penalty. The organization has had no previous matters before the board.

On motion by Heim, seconded by Murray, the board voted unanimously to take no action in this matter.

### ***Sworn Complaint against Todd Smith***

Director Rawlins provided the board with a sworn complaint with attached documentation filed with the Registry from Jama Oliver against Todd Smith, a candidate for state representative in the seventh district, for failing to report expenditures and/or in-kind contributions on his campaign financial disclosure report.

On motion by Hinton, seconded by Heim, the board voted unanimously to take no action in this matter based on the fact that the errors on the report were corrected.

### ***Audit Review***

#### ***Mae Beavers***

On motion by Harding, seconded by Murray, the board voted unanimously to approve Sen. Beavers' 2006 campaign finance audit with the included findings.

### ***Reported Financial Expenses***

Director Rawlins provided the board members with a list of civil penalties that have been paid year to date.

Director Rawlins presented the expenditure reports for the 2006/2007 fiscal year through June 30, 2008.

### ***Executive Director's Report***

- Director Rawlins provided the board with a copy of the Registry's new Citizens' Guide to Campaign Finance that has been posted to the website to assist individuals on how they may take part in the election process.
- Director Rawlins informed the board that the Registry is scheduled to move into new office space on August 15, 2008.
- Director Rawlins informed the board that the annual COGEL Conference is scheduled for December 7 through 10 in Chicago, Illinois.
- Director Rawlins informed the board that the sworn complaints against Knox County Mayor Mike Ragsdale that were forwarded to the Knox County District Attorney may be referred to the State Attorney General's office for investigation due to other matters involving Mayor Ragsdale's office being handled by the State Attorney General's office.
- Director Rawlins requested that the board rescind the show cause notices that were issued to Sen. Mae Beavers and Rep. Judd Matheny for failing to report PAC contributions on their original reports because they made the corrections prior to notification by the Registry.

Without objection, the board voted unanimously to dismiss the show cause notices issued to Sen. Beavers and Rep. Matheny.

### ***Other Business***

Long, seconded by McNeece made a motion, to adjourn the meeting until the next regularly scheduled meeting. The motion passed unanimously.